



U.S. Attorney's Office

*United States Attorney
Southern District Texas*

September 17, 2024

BY ELECTRONIC MAIL

Ryan Patrick
Haynes Boone LLP
Ryan.Patrick@haynesboone.com

Re: *United States v. Eithan David Haim*

Dear Counsel:

We write in response to your September 5, 2024 letter seeking disclosure of certain material pursuant to Rule 16 of the Federal Rules of Criminal Procedure and *Brady v. Maryland* and its progeny (the "September 5th Letter"). As an initial matter, the Government is aware of its constitutional and statutory discovery obligations and intends to comply with such obligations. The Government reserves the right to supplement or amend this information as needed and these responses are not intended to limit the Government's proof at trial.

In response to your requests, we refer you to our prior productions and discovery correspondence in this matter and respond as follows.

Request 1: We have produced to you copies of witness statements that include FBI forms 302 and Health and Human Services Office of Inspector General memoranda interview reports. The Government is in the process of gathering supporting notes and will produce them. The grand jury transcript will be made available ahead of testimony at trial if the relevant agent testifies. To the extent material has been obtained by the Government that constitutes Jencks Act or *Giglio* material for any Government witness, the Government intends to produce it prior to the testimony of the Government witness.

Request 2a: The defendant has made numerous public media statements. The Government does not have possession or knowledge of all his media statements.

2b: The Government is not aware of any oral statements made by the defendant in response to any government agent.

2c: Same as above, does not exist.

Request 3: We have produced surveillance videos and an audio recording related to Dr. Haim at TCH. See also Request 1 response related to statements, transcripts, rough notes and other documents. The Government has also notified the defense regarding the defendant's appearances at TCH after his TCH rotation. The Government will produce those documents immediately upon receipt.

Request 4: The Government is unaware of any criminal record for the defendant. If criminal history does exist, the Government will produce it prior to trial.

Request 5: We have produced in discovery copies of surveillance videos and audio recordings. Summary charts will be provided prior to trial. We have produced all papers and documents in our current possession. As already stated above, the Government is waiting on a request for additional documents related to the defendant's presence at TCH and will produce immediately upon receipt. The Government does not have any photographs to produce.

Request 6: The material requested does not exist.

Request 7: The Government does not have any knowledge of other bad acts at this time. If the Government receives such information, the Government will promptly notify the defendant.

Request 8: The Government understands its obligations under *Brady* and *Giglio*.

Request 9a: If any, the Government will produce prior to trial.

9b-9d: None exist.

9e: The Government is unaware of any such statements at this time, but if any exist, the Government will produce prior to trial.

9f: The Government is unaware of any false identification at this time, but if any exist the Government will produce prior to trial.

9g: The Government is unaware of any such evidence at this time, but if any exist the Government will produce prior to trial.

9h: The Government is unaware of any such evidence at this time, but if any exist the Government will produce prior to trial.

9i: The Government is unaware of any such evidence at this time, but if any exist the Government will produce prior to trial.

Request 10: Does not exist.

Request 11: We have produced all witness statements and 302 reports that currently exist. To the extent material has been obtained that constitutes Jencks Act or *Giglio* material for any Government witness, the Government intends to produce it prior to the testimony of the Government witness.

Request 12: Same as above.

Request 13: To the extent material has been obtained that constitutes Jencks Act or *Giglio* material for any Government witness, the Government intends to produce it prior to the testimony of the Government witness.

Request 14: We have already produced the HHS Office of Civil Rights Report noted in your request. We are inquiring into whether there are any other records that the Government would have an obligation to turn over.

ALAMDAR HAMDANI
United States Attorney
Southern District of Texas

By: /s
Tina Ansari
Tyler S. White
Jessica Feinstein
Assistant United States Attorneys
1000 Louisiana Street, 25th Floor
Houston, Texas 77002
Tel.: (713) 567-9000